



TOWN OF LOS GATOS
PLANNING COMMISSION MEETING
ACTION MINUTES
TOWN COUNCIL CHAMBERS
110 E. MAIN STREET
WEDNESDAY, APRIL 26, 2006 -- 7:00 P.M.

Please refer to compact disk #04-26-06 to hear the entire proceedings of this meeting.

ROLL CALL:

Present: Phil Micciche, Chair; Joanne Talesfore, Vice Chair; John Bourgeois, D. Michael Kane, Thomas O'Donnell, Lee Quintana and Stephen M. Rice

Absent: None

Others: Assistant Community Development Director Randy Tsuda, Assistant Planner Rachel Bacola and Town Attorney Orry Korb

VERBAL COMMUNICATION

Ray Davis Applauded Commissioner Bourgeois statements at a recent Town Council hearing regarding a Code of Conduct impropriety by a council member prior to a public hearing on American Apparel. Presented a hat to Commissioner Bourgeois.

APPROVAL OF MINUTES

April 12, 2006 - Motion by Commissioner Kane and seconded by Commissioner Bourgeois to approve meeting minutes. Passed unanimously.

Ray Davis Commented on the action minutes not providing public testimony/discussion by each speaker on each project.

CONSENT CALENDAR - NONE

CONTINUED PUBLIC HEARING - NONE

NEW PUBLIC HEARINGS

ITEM 1 **91, 101 and 109 W. Main Street**
Conditional Use Permit U-06-12

Requesting approval to modify a conditional use permit to change the hours of operation, allow special events, deli, off- site beer and wine sales and wine bar on property zoned C-2. APN 529-01-025
PROPERTY OWNER: Sue Farwell
APPLICANT: Teri Hope

PUBLIC TESTIMONY by Teri Hope, Fawn Skyles, Jason Farwell, Jacqui Kemp and Jerold O'Brien.

MOTION: Motion by Commissioner Kane and seconded by Commissioner Talesfore to recommend approval and forward Conditional Use Permit U-06-12 to Town Council for final consideration. The required findings were made as noted in Exhibit A of report dated April 21, 2006 and the application incorporated the conditions as noted in Exhibit B of report dated April 21, 2006 with the following added condition:

10. SPECIAL EVENTS: Under 21 Club Events (Alive and Loving Life) Event Type:
Amplified music shall not go past 9:30 PM Sunday through Thursday. Amplified music shall not go past 10 PM on Friday and Saturday. Under 21 Club shall not go past 11 PM.

Motion carried 6-1 with Commissioner Quintana dissenting for the following reasons: 1) precedent of allowing wine by the glass given the type of restaurant that is proposed, and, 2) may trigger additional applications from similar menus. Commissioner Quintana asked for additional direction from the Town Council on this issue of interpretation of the alcohol service in restaurants.

ITEM 2 **5 and 9 University Avenue**
Conditional Use Permit U-06-01

Requesting approval to expand an existing personal service business (Rootz Salon) on property zoned C-2-LHP. APN 529-03-017
PROPERTY OWNER: Jane Summers
APPLICANT: Mike and Marie Kinderman

PUBLIC TESTIMONY by Mike Kindermann

MOTION: Motion by Commissioner O'Donnell and seconded by Commissioner Bourgeois to approve Conditional Use Permit U-06-01. The required findings were made as noted in Exhibit

A of report dated April 20, 2006 and the application incorporated the conditions as noted in Exhibit B of the report dated April 20, 2006.

Motion carried 4-3 with Commissioners Quintana, Rice and Talesfore dissenting for the following reasons: 1) According to the enabling ordinance for the personal service regulations, the fact that a personal service business provides incidental retail sales should not be a key factor in considering an application. 2) The Central Business District currently contains 56% non-retail uses. Additional personal service businesses do not support retail activity in downtown.

Commissioner Rice opposed the application stating that he can more easily make the findings for denial than for approval.

Appeal rights recited by Mr. Korb.

ITEM 3 **17005 and 17017 Roberts Road**
Planned Development Application PD-05-01
Architecture and Site Application S-05-015
Negative Declaration ND-05-03

Continuance requested to May 10, 2006.

Requesting approval of a zone change from RM:5-12 to RM:5-12:PD for a seven lot residential subdivision and approval to demolish a single family residence and a 3-unit apartment building built prior to 1941. No significant environmental impacts have been identified as a result of this project and a Mitigated Negative Declaration is recommended. APN 529-16-021 and 045.

PROPERTY OWNER: Khurram Iqbal

APPLICANT: Donna and Louie Leu

PUBLIC TESTIMONY - None

MOTION: Motion by Commissioner Talesfore and seconded by Commissioner Bourgeois to grant the continuance to May 10, 2006.

Motion carried 7-0.

CONTINUED OTHER BUSINESS - None

NEW OTHER BUSINESS

Sub-Committee Reports

General Plan Committee - Commissioner O'Donnell commented on the discussion of the North 40 and the to clearly define the scope of the project from the start and not rush the process. Work is still needed on the North 40 before the public comment/input period. All Commissioners were invited to attend the Committee meetings to hear North 40 discussion.

Report from Director of Community Development - Mr. Tsuda mentioned the Department is losing Rachel Peled, Assistant Planner, to the SJ Redevelopment Agency. Also confirmed that the date of the Town Council/Planning Commission retreat will be May 24th at 7:00 p.m.

Commission Matters - Commissioner Rice questioned the outcome of the time extension for 615 Blossom Hill Rd. Commissioner Quintana wanted to provide input for several items for the Town Council/Planning Commission retreat on May 24th. Chair Micciche is meeting with the mayor and will forward any items for the agenda at that time. Commissioner Kane asked to agendaize the issue of placement/order of items on the Commission agendas. Mr. Tsuda responded this will be done as previously requested.

ADJOURNMENT

Chair Micciche adjourned the meeting at approximately 9:25 P.M.

TOWN OF LOS GATOS PLANNING COMMISSION
April 26, 2006

Phil Micciche, Chair

APPROVED AS TO FORM AND ATTEST:

Randy Tsuda
Assistant Director of Community
Development

Bud N. Lortz
Director of Community Development